

such corrected drawing appears to have been submitted, such corrected figure 7 is being resubmitted herewith.

The Examiner has requested that copies of two IDSs and two signed PTO-1499 missing from the USPTO file be faxed to the Examiner. Such requested copies were faxed to the Examiner on June 10, 2002.

The Examiner has rejected under 35 U.S.C. §103 : Claims 1, 2, 4, 6 - 17, 19, 21 and 22 as being unpatentable over Soykan in view of de Coriolis; Claims 3 and 18 as being unpatentable over Soykan and de Coriolis in view of Wyborny et al.; and Claims 5 and 20 as being unpatentable over Soykan and de Coriolis in view of Fountain et al.

Applicants' Claim 1 call for (underlining added for emphasis) ... A method of data transmission between an electromedical implant having a first transmitter/receiver unit and an associated external apparatus having a second transmitter/receiver unit, comprising: ... beginning data transmission with a triggering signal sent by the first transmitter/receiver unit to the second transmitter/receiver unit in a first time interval; and ... maintaining a reception readiness of the first transmitter/receiver unit after emission of the triggering signal for a second time interval.

Applicants Claim 21 call for (underlining added for emphasis) ... An electromedical apparatus for data transmission comprising: an electromedical implant having a first transmitter/receiver unit; and ... an associated external apparatus having a second transmitter/receiver unit; ... the first transmitter/receiver unit beginning data transmission by sending a triggering signal to the second transmitter/receiver unit in a first time interval, and ... at least a reception readiness of the first transmitter/receiver unit being maintained after emission of the triggering signal for a second time interval.

Applicants submit that the invention as claimed in Claim 1 and Claim 21 is neither taught, described or suggested in Soykan, even in view of de Coriolis.

The present invention provides for initiating a communication between an implant and an external device by the implant. The claimed invention specifically refers to the very beginning of a data transmission between the implant and an external device being initiated by a triggering signal. There is therefore provided an opening of a communication channel.

Soykan, on the other hand, while providing for various communication methodologies between an implantable device and an external device, only addresses the communication between the implantable device and the external device after a communication channel is already

Application No. 09/603,834

established. Soykan et al. does not describe, teach or suggest opening a communication channel or any communication initiating procedure by the implant.

de Coriolis, as discussed in response to the previous office action, teaches that an initiation command shall be transmitted by the external programmer to the implant. The de Coriolis device needs to keep the transmitter / receiver unit of the implant in a partially active state to be able to receive the initiation command which is sent by the external programmer.

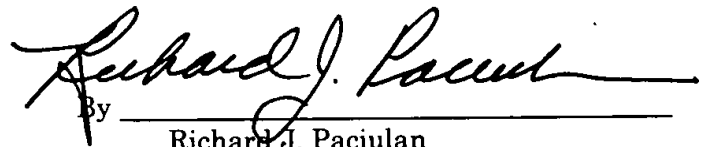
Accordingly, the Applicants submit that there is no suggestion to combine the teachings of Soykan et al. and de Coriolis to provide for beginning a communication between an implant and an external device by the implant. Accordingly, the Applicants submit that Claims 1 and 21 are not unpatentable over Soykan in view of de Coriolis.

Claims 2 - 20 are dependent on Claim 1. Claim 22 is dependent on Claim 21. As such, these dependent claims are believed allowable based upon respective Claims 1 and 21.

Therefore, in view of the above remarks it is submitted that the claims are patentably distinct over the prior art and that all the rejections to the claims have been overcome. Reconsideration and reexamination of the above Application is requested.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP


By _____

Richard J. Paciulan
Reg. No. 28,248
626/795-9900

CAH PAS453697.1-*8/13/02 11:35 AM